

CAO DPi INSTRUCTION 8-4

Use These Instructions to Help You Complete Form CAO DPi 8-4 Decree of Divorce on Counterclaim (No Minor Children)

In a default divorce on a Counterclaim, the Decree of Divorce must have exactly the same information as the Counterclaim. You cannot change anything without the agreement of the other party. If you do need or want to make changes that both of you agree upon, you can file a “Stipulation for Entry of a Decree of Divorce.” You will need form CAO D 6-8 Stipulation for Decree and CAO D Inst 6-1 Finalizing Decree by Stipulation. You can obtain these forms from a Court Assistance Officer or at the Idaho Supreme Court’s Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

Exactly like you did in the Counterclaim, at the top left-hand corner of page 1, fill in your name, address telephone number, and email address (if you have one). Fill in the county and judicial district in the heading (for example, “In the District Court of the Third Judicial District in and for the County of Canyon”). Fill in your full legal name in the caption above “Respondent”. Fill in your spouse’s full legal name above “Petitioner”. Fill in the Case Number.

Leave the date blank in the introductory sentence.

2. Separate Property.

- Check the first box if you do not want a court order confirming ownership of separate property.
- If you want a court order confirming that specific separate property belongs to the Husband, or an order that separate property be returned to the Husband, check the second box and describe the property in the first section of “**Exhibit A**”. Initial and date the Exhibit.
- If you want a court order confirming that specific separate property belongs to the Wife, or an order that separate property be returned to the Wife, check the third box and describe the property in the first section of “**Exhibit B**”. Initial and date the Exhibit.

3. Community Real Property.

- If you have **not** acquired any community real property during the marriage, check the first box and proceed directly to paragraph 4. **or**
- If you have acquired community real property during the marriage, check the second box **and**
 - Fill in the residential address of the property (house number and street name),
 - The name of the city and county **and**
 - The legal description for the property.
- Check one of the next three boxes to indicate what the disposition of the community real property and any equity in the property will be, and fill in the blanks **or**
- Check the fourth box and write in your own words how the property and any equity in the property will be distributed.

4. Community Personal Property.

- If you have not acquired any community personal property, check the first box. **or**
- If you have already divided your community personal property and each of you have the property in your possession, check the second box. **and/or**
- If there is specific property awarded to the Husband and the property is already in Husband’s possession, check the third box and list the property in the second section on “**Exhibit A**” (Husband’s property). Initial and date the Exhibit.
- If there is specific property awarded to the Wife and the property is already in Wife’s

possession, check the fourth box and list the property in the second section on “**Exhibit B**” (Wife’s property). Initial and date the Exhibit.

- If there is property awarded to the Husband that is still in the possession of the Wife, check the third box and list the property in the third section on “**Exhibit A**” (Husband’s property). Initial and date the Exhibit.
- If there is property awarded to the Wife that is still in the possession of the Husband, check the fourth box and list the property in the third section on “**Exhibit B**” (Wife’s property). Initial and date the Exhibit.

Note: The Decree of Divorce can be used to transfer titles or deeds; but only if the description of the property is first listed in the Complaint or there is a Stipulation for Entry of Decree and the property description is complete and accurate (example: for vehicles, all identifying information on the title; for real property, a legal description of the property and not just the residential address of the property).

If you have listed any property on “**Exhibit A**” or “**Exhibit B**”, the Exhibits must be attached to every copy of the Decree of Divorce. Initial and date each Exhibit.

5. Debts

- If there are no unpaid debts, check the first box. **or**
- List each creditor Husband should pay; **and/or**
- List each creditor Wife should pay.

Note: If both of you are going to pay a part of the same debt, also put in the amount each of you should pay.

6. Debts Incurred Since Separation

- If the Decree should order that each party will assume any debt incurred by them after the separation date, check the box and write in the date you stopped living together.

7. Name Change.

If either party wants to stop using the last name of the spouse and go back to using their former last name (any name legally used), fill in the name of the person wanting the name change and fill in the former last name only. (Accurate spelling is very important.)

Leave the date blank. The judge will fill in the date when s/he signs the Decree of Divorce.

Clerk’s certificate of service: Fill in name, mailing address, city, state and zip code for Husband and Wife. Leave the date blank. The clerk will fill it in when s/he signs the certificate.

Exhibits: If you have listed property on “**Exhibits A**” and/or “**B**”, they must also be attached to the Decree.

Make two more copies of the Decree (total of 3) with all the Exhibits attached.

Continue to follow CAO D Instruction 7-1, Finalizing Divorce by Default, and CAO DPi Instruction 7-2 to finalize your divorce.